

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CABELA'S INCORPORATED,)	
)	
Plaintiff,)	
)	
v.)	No. 13 C 828
)	
GANDER MOUNTAIN COMPANY,)	
)	
Defendant.)	

MEMORANDUM ORDER

This is the second time in a week that this Court's randomly assigned calendar has been graced (?) with a patent¹ instance of forum shopping in a patent infringement case. Plaintiff Cabela's Incoporation ("Cabela's," a Delaware corporation) has its principal place of business in Nebraska, while defendant Gander Mountain Company ("Gander") is both incorporated and has its principal place of business in Minnesota. Even though Complaint ¶¶4 and 5 describe--albeit on information and belief--predicates for lodging both jurisdiction and venue in this judicial district, nothing said in the Complaint suggests that any substantive evidence as to Cabela's patent or as to Gander's alleged infringement has any Illinois situs.

It may perhaps be thought of as flattering to regard the Northern District of Illinois' Eastern Division as a repository of judicial wisdom in the intellectual property division occupied by patent law, but this Court is not aware of any empirical

¹ Bad pun intended.

studies that would prove that hypothesis. Instead the current type of filing most frequently produces a motion to transfer the action under 28 U.S.C. §1404(a), so that the court's energies are diverted in the first instance to that procedural issue. That said, however, this Court is contemporaneously entering its usual order setting an initial status hearing date and will await further developments.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial 'M'.

Milton I. Shadur
United States District Judge

Date: February 5, 2013